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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 20 AM 9:47

UNITED STATES OF AMERICA,

Plaintiff,

v.

Esteban ARELLANO-Rojas

Defendant.

Magistrate Case No.

08 MJ 0869

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about, **March 15, 2008**, within the Southern District of California, defendant **Esteban ARELLANO-Rojas**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Deportation Officer

U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **20th** DAY OF **March 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On March 15, 2008, the defendant identified as **Esteban ARELLANO-Rojas**, was arrested in Heber, California, by the Imperial County Sheriff's Department for being under the influence of a controlled substance. The defendant was subsequently booked into Imperial County Jail, Calexico, California. While in custody of county jail, an Immigration Enforcement Agent (IEA) determined the defendant to be a citizen of Mexico and placed an Immigration detainer pending his release from jail.

On March 19, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) in Imperial, California. A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant. These checks confirmed the defendant to be a citizen of Mexico having been previously deported or removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed or deported from the United States by an Immigration Judge on May 15, 2001; and removed to Mexico the same day via the Calexico, California, Port of Entry. The Automated Biometric Fingerprint Identification System (IDENT) was utilized and compared the defendant's fingerprints to those contained in the database. The results confirmed his identity as Esteban ARELLANO-Rojas, a citizen and national of Mexico. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

On March 19, 2008, Defendant was advised of his rights as per Miranda. Defendant stated that he understood his rights and was willing to make a statement without the presence of an attorney. Defendant stated he was born in Mexicali, B.C., Mexico, and that he is a citizen of Mexico. Defendant also stated that he has no legal immigration status in the United States. Defendant further added he was previously removed from the United States and that he last illegally entered the United States by walking through the mountains. Defendant stated that he never received permission from the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after having been previously removed. Defendant stated he knew it was illegal to re-enter the United States after having been previously removed, but he entered because his daughter lives in the United States and he needs to support her. Defendant added that he has no fear of being persecuted or tortured if he is removed from the United States to Mexico.

All information indicates the defendant is a citizen of Mexico having been previously deported from the United States, and has illegally re-entered the United States after deportation, in violation of Title 8 of the United States Code 1326, Deported Alien found in the United States.